

**MINUTES**  
**TOWN COUNCIL OF THE TOWN OF INDIAN RIVER SHORES**  
**REGULAR TOWN COUNCIL MEETING**

**Thursday, December 14, 2006**  
**3:30 p.m.**

PRESENT: Thomas W. Cadden, Mayor  
David J. Becker, Vice Mayor  
William H. Ahrens, Councilmember  
Frances F. Atchison, Councilmember  
E. William Kenyon, Councilmember

STAFF PRESENT: Robert J. Bradshaw, Town Manager  
Laura Aldrich, Town Clerk  
Town Attorney, Chester Clem  
Richard Jefferson, Building Official  
Bill Schauman, Director of Public Safety and Six Department Members

1. **Call to Order.** Mayor Cadden called the meeting to order at 3:30 p.m.
  - a. Pledge of Allegiance
  - b. Invocation – Vice Mayor Becker
  - c. Roll Call

Mayor Cadden noted the presence of the Public Safety Department members who were there to be sworn in, and received approval from the Council to **move item 6 c up on the agenda** so that they would be able to return to duty.

Chief Schauman introduced the officers as Mark Runge, an 18 year fire/medic; Kip Benham, a 17-year fire medic; and Geoff Hawkes, a fairly new medic who came highly recommended. The Town Clerk administered the Oath of Office to the three officers, after which they were applauded, congratulated and welcomed to the Department.

2. **Consent Agenda**
  - a. Acceptance of Planning and Zoning Meeting Minutes of October 9, 2006
  - b. Acceptance of Building & Grounds Committee Meeting Minutes, October 18, 2006
  - c. Approval of Regular Town Council Meeting Minutes of November 14, 2006
  - d. Approval of Invoice from Town Attorney received December 12, 2006
  - e. Approval of Invoice from Berman Hopkins Wright & LaHam, CPAs, received December 12, 2006

Mayor Cadden asked if there were any questions, and there were none. A **motion** was made by Council Member Atchison, supported by Councilman Kenyon, **to approve the consent agenda as presented.** It was **unanimously approved** by voice vote.
3. **Mayor's Items.** None.
4. **Planning, Zoning and Variance Board**

There was no meeting.
5. **Town Attorney**
  - a. Ordinance 487, Charter Amendments

Mr. Clem said that Ordinance 487 is the Charter Amendment, and is presented for a first reading. Councilmember Atchison, Mr. Bradshaw, and the Town Clerk have met with him and reviewed the Charter. Most of the changes correct language to reflect responsibilities of the Town Manager that had been listed as the Mayor's, and other non-substantive changes. He read the title as follows:

**AN ORDINANCE AMENDING THE CHARTER OF THE TOWN OF INDIAN RIVER SHORES TO PROVIDE CLARITY; AMENDING ARTICLE 2, RELATING TO MAYOR AND TOWN COUNCIL, SECTIONS 2-2, 2-4 AND 2-12, CLARIFYING ELECTION DATES AND PROCEDURES; AMENDING ARTICLE 3, RELATING TO OFFICERS AND EMPLOYEES GENERALLY, SECTION 3.2, ELIMINATING GENDER REFERENCES; AMENDING ARTICLE 5, RELATING TO FINANCIAL PROCEDURES, SECTIONS 5.2, 5.5, 5.7 AND 5.8, CHANGING RESPONSIBLE PARTY FROM MAYOR TO TOWN MANAGER, ELIMINATING UNNECESSARY LANGUAGE, PERMITTING TOWN TO PARTICIPATE IN EXISTING GOVERNMENTAL CONTRACTS; AND AMENDING ARTICLE 6, RELATING TO ELECTIONS, SECTIONS 6.3 AND 6.4, CLARIFYING AND REMOVING UNNECESSARY LANGUAGE; REQUIRING REFERENDUM ON MARCH 13, 2007 ELECTION; PROVIDING FOR CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

This will be published prior to the January meeting, and if it passes the second reading, would be provided to the Supervisor of Elections for the ballot as a referendum for Charter amendment on the March 13, 2007 elections. The highlighted areas are the changes, he clarified for Vice Mayor Becker, and reviewed other changes in slightly more detail. **A motion was made by Councilman Kenyon and supported by Councilman Becker to approve the first reading of Ordinance 487.** Mayor Cadden asked if there was any further discussion, and there being none, called for the vote. **The motion passed unanimously.**

- b. Update on Public Safety Department Vehicle Forfeiture Case
- Mr. Clem reported that previously, they thought that a settlement had been reached, but the transaction did not occur. Negotiations have now been completed at a lower amount than before. Mr. Clem asked for approval, as the vehicle had been wrecked, and if it were in its best condition, would be worth \$15,000 - \$16,000. The proposed settlement includes having Mr. Pertz, the owner of the vehicle, paying \$8,228, which includes \$728 being held that was confiscated before and a bank check for \$7,500. Mutual releases would be executed from Mr. Pertz as well as the Town. Mr. Clem reiterated that he thought it was a fair settlement, and asked for a **motion from the Council approving signatures by Mr. Bradshaw and Mr. Clem accepting the forfeiture terms of \$8,228 in total funds for release of the vehicle and mutual release by both parties**, which was made by Councilman Kenyon and seconded by Councilmember Atchison. The motion **passed unanimously**. Mr. Clem added his appreciation by the Public Safety Department, in particular Chief Schauman and Lt. Stabe, as it had become

a lot more difficult than anticipated, and the Department did a wonderful job in wiping out a nest of drug activity. Mr. Pertz is no longer a resident of the Town.

6. **Town Manager**

a. ICMA 457 Plan Amendment

Mr. Bradshaw said that this is the deferred compensation plan, and this amendment allows for distribution of rollover assets. There are some current plan members who would be able to take their funds out if desired in non-emergency situations. It is also a recruiting tool, Mr. Bradshaw continued. As there was no further discussion, **a motion by Councilman Kenyon seconded by Vice Mayor Becker to approve the ICMA Amendment was passed unanimously.**

b. Building and Grounds Committee Recommendation for Membership: Paul Johnson  
Following the resignation of Mr. Richard Dowd from the Building and Grounds Committee, Paul Johnson had indicated interested and attended a Committee meeting, whereby they interviewed him and recommended approval of his appointment to the Committee. **A motion made by Councilman Kenyon supported by Vice Mayor Becker to approve the appointment of Paul Johnson to the Building and Grounds Committee** received unanimous approval by the Council.

c. Swearing In of New Public Safety Officers (Hawkes, Runge and Benham)  
*(Done at the beginning of the meeting)*

7. **Call to Council.**

a. Committee Reports.

Council of Public Officials (COPO). Councilman Kenyon said that this group is currently in transition in becoming an affiliate of the Florida League of Cities as the Treasure Coast Regional League of Cities (TCRLC), with four counties involved. Tom White, the Chairman of the COPO, is heading up this transition activity, and informed Mr. Kenyon that no meeting would be held until the legal aspects, such as the bylaws and charter, were resolved.

Metropolitan Planning Organization (MPO). Councilman Becker reported that the MPO received preliminary findings from the consultant on the Greenways Development Plan, and encouraged the citizenry to participate tonight at the Vero Beach Community Center from 4-7 in providing input for the greenway project in the County. This includes pedestrian and bicycle pathways adjacent to railways, etc.

Another part of the meeting was devoted to a presentation by the FDoT Secretary who is responsible for Indian River County to discuss some of the projects in our area that have been impacted by higher costs than anticipated for road construction, potential delays, etc.

Beach and Shores Preservation. Councilman Ahrens said that this committee will meet next week.

Parks and Recreation. A schedule conflict, namely the Volunteer Appreciation Breakfast for the Town, precluded Councilman Ahrens' attendance at this meeting.

Treasure Coast Regional Planning Council. No report.

Land Acquisition Advisory Committee (LAAC). At the meeting today, Councilmember Atchison said that they determined to recommend to the County Commissioners the purchase of 162 acres of uplands and wetlands, called the Sebastian Harbor Preserve. This is a very special piece of land almost in the center of Sebastian, and according to LAAC members who have served for many years, this is one of the top three purchases they have recommended since the early 1990's. They will apply to Florida Communities Trust for a 50% grant share, and the purchase price is \$13,700,000.

Councilmember Atchison attended a 3-hour public workshop sponsored by the County Commission on water, and learned that our County will be basically penalized by the St. John's Water Management District (SJWMD) when it comes to permitting if we don't have the census to back up our future needs for water. The faster the growth, the faster the permits are issued. Secondly, how to retain water through surficial retention ponds spread throughout the County was discussed. Two more public workshops will be held, with the main contacts from both the SJWMD and the South Florida Water Management District (SFWMD) present. These were once the same district, and were split apart by the legislature, which is now contemplating putting them back together eventually.

Also, yesterday, under the organization of PSO Samantha Haynes, Councilmember Atchison, Chief Schauman, Lt. Stabe (Santa Claus), Lt. Nick Schauman, Shawn Hoyt, Mark Shaw, Town Clerk Laura Aldrich, volunteer Don Feindt, elves and their children went to the Dasie Hope Center for delivery of toys for the kids. Councilmember Atchison said that Officer Haynes did an incredible job, getting enough gifts for each of the children to have at least two gifts, and about 70 children were there. Lt. Stabe handed out all of the gifts. Councilmember Atchison commended PSO Haynes, and thanked Chief Schauman for allowing her to organize the activity. Chief Schauman showed a wall hanging that was presented to the Town, asking that it be displayed at Town Hall for all of the residents to see. Councilman Kenyon asked who the children were, and was told that these are Wabasso children who come as part of an after school program for tutoring and some recreation under Verna Wright's care. They are given a snack, and are taught manners and proper behavior. They are rewarded for doing well at school and doing chores, and Ms. Wright is teaching them to be terrific citizens.

Treasure Coast Council of Local Governments (TCCLG). Mayor Cadden said that as the new Chairman of the Council, he was not able to make this meeting, sending Mr. Bradshaw in his stead. He expressed his appreciation to Mr. Bradshaw, who reported that there were introductions from everyone for the benefit of the new members. They also drew dates for presentations for the next year, and discussed another possible barbeque luncheon in Okeechobee, legislative priorities, and that the Mayor write a letter in support of the Water Resource Development Act (WRDA).

Mayor Cadden reported that he and Mr. Bradshaw had gone to a meeting of the local Legislative Delegation this morning, with a packed auditorium. Much concern about the Urban Service Area Boundary (USAB) drew a huge crowd. Another topic was brought up by Representative Mayfield regarding a new draft legislation that would limit the tax increasing bodies, such as the Town, could impose based on a combination of the Consumer Price Index (CPI) and the increase in population. This control of local government spending is quite interesting and baffling. County Manager Joe Baird stood

and said he couldn't live with this type of legislation, as our County's budget is already one of the lowest in the State. Without growth, not only is water (via permits) proposed to be limited, but add funding restrictions is unreasonable. This meeting will probably be rerun on Channel 13, and the Mayor recommended that the Council try to watch this. Councilman Kenyon asked what they said about the Urban Service Area Boundary, and Mayor Cadden said that there was no draft of a bill put before the legislators to consider, which caused a lot of pro and con among the legislative group. Vice Mayor Becker added that 71% of the voters were in favor of the straw ballot on the USAB, so something would have to be brought to Tallahassee for the legislators. Councilmember Atchison added that she had spoken with Commissioner Wheeler prior to the LAAC meeting this afternoon, and asked him what his timeframe was. He replied that he would like to have everything done by this summer, saying that everybody would have to give up a little bit of something, and Fellsmere is scaring them with their growth. He said they would hold three public hearings, and promised that there would be one workshop with the municipalities and the County sometime this spring. Councilman Kenyon mentioned that there are two issues, one being the USAB and the other the Charter County. The Mayor further discussed this with the Council and Town Attorney Clem with no resulting action.

8. **Call to Audience.** Chief Schauman said that the first annual Public Safety Christmas Parade will take place this Sunday, which was requested by Indian Trails, from 1-4. One of our fire trucks will go on the main roads, and through some neighborhoods such as Indian Trails and John's Island around the Beach Club, and will be all off-duty officers with Don Feindt as Santa Claus.
9. **Adjournment.** There being no further discussion, Mayor Cadden adjourned the meeting at 4:09 p.m.

\_\_\_\_\_/s\_\_\_\_\_  
Laura Aldrich, Town Clerk

*(Approved as written by the Town Council at the January 25, 2007 meeting)*